

United States Court of Appeals For the First Circuit

No. 17-1368

TIMOTHY C. HARRY; KAREN C. HARRY,

Plaintiffs, Appellants,

v.

FIDELITY NATIONAL TITLE GROUP; FIDELITY NATIONAL FINANCIAL, INC.;
FIDELITY NATIONAL TITLE INSURANCE COMPANY; AMERICAN HOME
MORTGAGE SERVICING, INC.; DEUTSCHE BANK NATIONAL TRUST COMPANY, as
Trustee for American Home Mortgage Assets Trust 2007-2 Mortgage-Backed Pass-Certificates,
Series 2007-2; HOMEWARD RESIDENTIAL, INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; OCWEN LOAN SERVICING, LLC,

Defendants, Appellees,

AMERICAN BROKERS CONDUIT; APEX MORTGAGE SERVICES; KORDE &
ASSOCIATES; ABLITT & CHARLTON, P.C.,

Defendants.

Before

Torruella, Kayatta and Barron,
Circuit Judges.

CORRECTED JUDGMENT*

Entered: June 6, 2017

Defendants-appellees move to dismiss this appeal for lack of appellate jurisdiction. Courts of appeals have jurisdiction over "appeals from all final decisions of the district courts." 28 U.S.C. § 1291. "Ordinarily, a judgment is final (and, thus, appealable under [section 1291]) only if it conclusively determines all claims of all parties to the action." Watchtower Bible & Tract Soc. of N.Y., Inc. v. Colombani, 712 F.3d 6, 10 (1st Cir. 2013) (alteration in original) (quoting Nichols v. Cadle Co., 101 F.3d 1448, 1449 n.1 (1st Cir. 1996) (per curiam)). Here, the challenged order is

* Corrected Judgment issued to correct typographical error

not a final decision because claims remain pending in the district court and the district court did not certify the judgment as final pursuant to Fed. R. Civ. P. 54(b). See Barrett ex rel. Estate of Barrett v. United States, 462 F.3d 28, 33 (1st Cir. 2006) (orders dismissing claims against some but not all defendants are not ordinarily final and appealable absent Rule 54(b) certification). Accordingly, we lack jurisdiction to consider this appeal.

Appeal dismissed.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Tina L. Sherwood
John Fitzgerald Willis
Douglas L. Whitaker
Maura Katherine McKelvey
Marissa I. Delinks
Samuel Craig Bodurtha